

## Proceeding Memorandum/Order

In Re: John O. Desmond, Trustee v. Ruth Francis

Case/AP Number 18-01041 -FJB  
Chapter

#21 Motion filed by Plaintiff John O Desmond For Summary Judgment

#32 Opposition filed by Defendant/Counter-Claimant Ruth Francis

## COURT ACTION:

\_\_\_\_\_Hearing held

\_\_\_\_\_Granted \_\_\_\_\_Approved \_\_\_\_\_Moot

\_\_\_\_\_Denied \_\_\_\_\_Denied without prejudice \_\_\_\_\_Withdrawn in open court

\_\_\_\_\_Overruled \_\_\_\_\_Sustained

\_\_\_\_\_Continued to \_\_\_\_\_

\_\_\_\_\_Proposed order to be submitted by \_\_\_\_\_

\_\_\_\_\_Stipulation to be submitted by \_\_\_\_\_

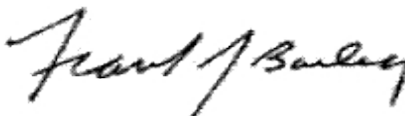
\_\_\_\_\_No appearance by \_\_\_\_\_

Show Cause Order \_\_\_\_\_Released \_\_\_\_\_Enforced

## DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

JUDGMENT: This adversary proceeding having come before the Court on the plaintiff's motion for summary judgment, and, for the reasons set forth in the separate memorandum of decision of this date, the Court having determined that judgment should enter for the plaintiff as a matter of law, the Court hereby ORDERS and ADJUDGES that plaintiff John O. Desmond, as he is chapter 7 trustee in the bankruptcy case of Paul Francis (Case No. 17-12708-FJB, Bankruptcy Court, D. Mass.), may sell under 11 U.S.C. § 363(b) both the interest of the bankruptcy estate and the interest of Ruth Francis in the real property located at 156 Norfolk Street, Boston, Massachusetts, and the Court further ORDERS and ADJUDGES that the counterclaims of Ruth Francis are dismissed without prejudice as premature, and that she may raise the same again, if necessary, when the Trustee's moves for authority to sell the property.

IT IS SO ORDERED:



Dated: 03/18/2019

 Frank J. Bailey  
 United States Bankruptcy Judge